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Attorneys for Nonparty
HEWLETT-PACKARD COMPANY

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re IBM Subpoena in the matter of:

**INTERNATIONAL BUSINESS MACHINES
CORPORATION,**

**Plaintiff and Counterclaim
Defendant,**

V.
PLATFORM SOLUTIONS, INC.

Defendant and Counterclaimant.

CASE NO. 5:07-mc-80174-JW PVT

Honorable Patricia V. Trumbull,
U.S. Magistrate Judge

**Underlying action pending in the United States
District Court for the Southern District of New
York, CASE NO. CV 06-13565 SCR**

**NONPARTY HEWLETT-PACKARD
COMPANY'S NOTICE OF WITHDRAWAL
OF MOTION TO MODIFY SUBPOENA
AND FOR A PROTECTIVE ORDER**

Former Hearing

Date: June 3, 2008

Time: 10:00 a.m.

Place: Courtroom 5

NOTICE IS HEREBY GIVEN that pursuant to Local Rule 7.7, Nonparty Hewlett-Packard Company (“HP”)'s Motion to Modify Subpoena and for Protective Order, formerly scheduled to be

1 heard on June 3, 2008, by the above-titled Court located at 280 South 1st Street, San Jose, CA 95113,
2 is hereby withdrawn pursuant to the agreement set forth in Exhibit A.

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5 DATED: May 12, 2008

JEFFREY T. THOMAS
ANGELIQUE KAOUNIS
GIBSON, DUNN & CRUTCHER LLP

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7 By: /s/ Angelique Kaounis

8 Angelique Kaounis

9 Attorneys for Nonparty
10 HEWLETT-PACKARD COMPANY

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EXHIBIT A

**LETTER AGREEMENT AND STIPULATION REGARDING THE WITHDRAWAL OF
HEWLETT-PACKARD COMPANY'S MOTION TO MODIFY SUBPOENA AND FOR A
PROTECTIVE ORDER IN *IN RE IBM SUBPOENA IN THE MATTER OF
INTERNATIONAL BUSINESS MACHINES CORPORATION V. PLATFORM
SOLUTIONS, INCORPORATED AND T3 TECHNOLOGIES, Inc.* No. 5:07-mc-80174-
RMW-PVT**

WHEREAS, Hewlett-Packard Company ("HP") filed a motion to Modify Subpoena and for a Protective Order in *In re IBM Subpoena In The Matter Of International Business Machines Corporation v. Platform Solutions Incorporated and T3 Technologies, Inc.*, No. 5:07-mc-80174-RMW-PVT on April 29, 2008;

WHEREAS International Business Machines Corporation ("IBM") is prepared to file an Opposition and Cross-Motion to the above-referenced Motion on May 13, 2008;

WHEREAS, HP and IBM are meeting and conferring in good faith to resolve the disputes addressed by the pending Motion; and, in the interests of judicial economy, HP has agreed to withdraw its Motion to Modify Subpoena and for a Protective Order while HP and IBM proceed in good faith with IBM's F.R.C.P. 30(b)(6) deposition of HP pursuant to terms agreed to by the parties;

WHEREAS, neither party has agreed to waive or concede any objection or position that is set forth in their respective pleadings filed or to be filed in relation to HP's Motion to Modify Subpoena and for a Protective Order;

THEREFORE, BE IT RESOLVED that HP and IBM hereby stipulate that HP will withdraw its Motion to Modify Subpoena and for a Protective Order, and further, that both parties agree that both parties reserve all rights to make any and all arguments that were originally set forth in HP's Motion to Modify Subpoena and for a Protective Order or in IBM's proposed Opposition and Cross-Motion thereto.

Agreed to as set forth herein.

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

By:

Jonathan B. Oblak
Counsel for IBM

DATED: May 12, 2008

GIBSON, DUNN & CRUTCHER LLP

By:

Angelique Kaounis
Counsel for HP

DATED: May 12, 2008